

**State of Indiana
Sentencing Policy Study Committee**

MINUTES

Introduction:

The first meeting of the 2006 Sentencing Policy Study Committee was held on Thursday, September 7th in room 431 of the Indiana State House in Indianapolis, Indiana. The meeting convened at 1:00 p.m.

Attendance:

A. Committee Members in Attendance:

- Representative Ralph Ayres, Chair
- Representative Ralph Foley
- Representative William Crawford
- Representative Linda Lawson
- Senator Richard Bray
- Senator Glenn Howard
- Senator Anita Bowser
- Honorable Richard Good
- Honorable Frances Gull
- Honorable Roger Duvall
- Honorable Lynn Murray
- Steve Johnson
- Larry Landis
- J. David Donahue
- R. Todd McCormack
- Sheila Hudson
- Michael Cunegin
- Dr. Steven Ross

B. Committee Members Not In Attendance:

- Honorable James Humphrey, Senator Long, Senator Howard,

C. Staff and Consultants:

- Andrew Hedges, Legislative Services Agency
- Jason Hutchens
- James M. Hmurovich, Consultant

Discussion Topics:

A. Review of the 2005 Interim Report:

The Chair requested Jim Hmurovich provide an overview of the Interim Report. Mr. Hmurovich presented the report in three parts: 1) Administrative information required of legislative reports, 2) a summary of the four committee meetings held in 2005 and 3) recommendations made by the committee for legislation.

Member Sheila Hudson made a motion for corrections to be made on page 8 of the report concerning testimony by Judge John Surbeck on the Allen County Re-Entry Court. Judge Gull seconded the motion and the motion carried unanimously by a voice vote.

Member Larry Landis made a motion to add the word “fees” to the paragraph outlining a position held by the Public Defenders Council on page 9. The motion was seconded by Todd McCormack and the motion carried unanimously by a voice vote.

Member Lynn Murray identified a correction that was accepted by the Chair as a technical correction. Senator Bray moved that the report be accepted with the suggested corrections. Commissioner Donahue seconded the motion and the motion passed unanimously by a voice vote.

B. Recent Case Involving Sex Offender Residency Limits:

Steve Johnson, executive Director of the Prosecuting Attorneys Council presents concerns about the current inconsistencies in the criminal code about the definition of “violent sex offender predator” and the impact of that on the sex offender registry and enforcement of the laws. He also noted that it is unclear whether the law which took effect in July 2006 requires a retroactive entry of the sex offender in the sex offender registry. Mr. Johnson believes clarity is needed in the statute to determine whether “grandfathering” of offenders is warranted, whether an offender should be required to move from a residency located within a statutorily defined prohibited area and whether judicial discretion should be allowed in making a determination of which offender should be classified as a violent sexual predator. A concern was voiced by Mr. Landis that the definition of the violent sex offender predator is becoming so broad that it both diminishes the importance and seriousness of the label, as well provides a disservice to the public for being so broad.

C. Discussion about Future Meeting Topics and Establishment of a Meeting Schedule:

The Chair informed the committee that there were three avenues of input on potential topics: 1) Statutory or Legislative Council requirements, 2) Suggestions from the Committee Members and 3) Suggestions received from the Public.

Each suggestion was presented by the “sponsoring” Committee member and Jim Hmurovich provided an overview of the suggestions received from the public. In total, 15 suggestions were received. The Chair decided that two additional meetings would be scheduled to accept testimony on selected topics and the third meeting to be scheduled would focus on review and discussion of the Final Report. The schedule more than likely will not allow for a discussion of all 15 topics. The second meeting of the Committee will focus on statutory and Legislative Council requirements for the Committee, and the third meeting will highlight the most pressing issues that require legislative involvement.

It was determined that the remaining meetings would be scheduled on:

- Monday, September 18th at 1:00 p.m.
- Thursday, October 12th at 1:00 p.m.
- Wednesday, October 18th at 1:00 p.m.

All times are Indianapolis times.

Adjournment: The Chair adjourned the meeting at 2:40 p.m.